

REMARKS

In response to the November 17, 2005 Office Action, Applicants respond to the Examiner's detailed action with the following remarks. Claims 1 – 23 and 28 are pending in the application and Claims 16, 17, and 28 are withdrawn from consideration. Claims 1 – 15 and 18 – 23 are rejected. Applicant has amended paragraph [0024] as numbered in the published application, document number 2005/0011132 A1, to correct an editorial error. No substantive change was made. Further, Applicant has amended Claims 1 and 18 and added new Claim 29.

Claim Rejections – 35 USC §102

In response to the Examiner's rejection of Claims 18 – 20 under 35 U.S.C. §102(e) as being anticipated by U.S. 3,217,919 (Olton), Applicant has amended Claim 18. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant amended Claim 18 to include the limitations that the door has planar surfaces that are not recessed or contoured where the door is covered by the door reinforcing plate. The originally filed application supports this amendment in Fig. 2b as well as the first sentence of paragraph [0010]: "...a door reinforcing plate that is angled and crimped into a U-shape and over bend mounted to the edge of the door." Further, paragraph [0030] of the present application discloses that the door reinforcing plate may be used in conjunction with an "existing door," which is "made of substantially any material." This includes metal as disclosed in the sixth sentence of paragraph [0022]. It is substantially easier to apply a door reinforcing plate to a conventional door when that plate does not require the door to be modified. It is prohibitively difficult to apply a door reinforcing plate to an existing metal door when that plate does require the door to be recessed or contoured. Even further, paragraph [0028] discloses that the door may be mortised in contrast to the disclosure preceding paragraph [0028], thus reinforcing the

assertion that the door is not recessed or contoured where the door reinforcing plate is applied to the door in the preceding disclosure of the present application.

Olton teaches that the door is “reduced along the marginal portions adjacent the edge to be fitted with a door edge protector...” in column 3, lines 13 – 15. Further, in column 3, lines 20 – 22, Olton teaches that recesses or “grooves” are provided in the door to accommodate flanges 20 and 21. Thus, Olton teaches a door edge protector that requires recessed and contoured surfaces on the door where the door edge protector is applied to the door. In contrast, Claim 18 requires that the door not be recessed or contoured proximate to the portions covered by the door reinforcing plate.

The claims are directed to an invention that has the advantage of being easily used to retrofit a door with a reinforcing plate whereas Olton requires that a door be modified to include recesses that accommodate the flanges 20 and 21 and to include contours that allow the door edge protector to be flush with the surface of the door. These modifications make a retrofitting operation exceedingly difficult and impossible in certain cases. Further, the claimed invention may be applied to a door made of substantially any material, including steel and other metals.

Applicant respectfully submits that Claim 18 and Claims 19 – 20, which depend therefrom, are therefore in condition for allowance.

Claim Rejections – 35 USC §103

Responsive to the Examiner’s rejection of Claims 1 – 3 and 7 – 10 under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,217,919 (Olton) in view of U.S. 5,566,509 (Long), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicant amended Claim 1 to include the limitations that the door has planar surfaces that are not recessed or contoured where the door is covered by the door reinforcing plate. The originally filed application supports this amendment in Fig. 2b as well as the first sentence of paragraph [0010]: “...a door reinforcing plate that is angled and crimped into a U-shape and over bend mounted to the edge of the door.” Further, paragraph [0030] of the present application discloses that the door reinforcing plate may

be used in conjunction with an “existing door,” which is “made of substantially any material.” This includes metal as disclosed in the sixth sentence of paragraph [0022]. It is substantially easier to apply a door reinforcing plate to a conventional door when that plate does not require the door to be modified. It is prohibitively difficult to apply a door reinforcing plate to an existing metal door when that plate does require the door to be recessed or contoured. Even further, paragraph [0028] discloses that the door may be mortised in contrast to the disclosure preceding paragraph [0028], thus reinforcing the assertion that the door is not recessed or contoured where the door reinforcing plate is applied to the door in the preceding disclosure.

Olton teaches that the door is “reduced along the marginal portions adjacent the edge to be fitted with a door edge protector...” in column 3, lines 13 – 15. Further, in column 3, lines 20 – 22, Olton teaches that recesses or “grooves” are provided in the door to accommodate flanges 20 and 21. Thus, Olton teaches a door edge protector that requires recessed and contoured surfaces on the door where the door edge protector is applied to the door. In contrast, Claim 1 requires that the door not be recesses or contoured proximate to the portions covered by the door reinforcing plate.

The claims are directed to an invention that has the advantage of being easily used to retrofit a door with a reinforcing plate whereas Olton requires that a door be modified to include recesses that accommodate the flanges 20 and 21 and to include contours that allow the door edge protector to be flush with the surface of the door. These modifications make a retrofitting operation exceedingly difficult and impossible in certain cases. Further, the claimed invention may be applied to a door made of substantially any material, including steel and other metals.

Thus the amended Claim 1 and Claims 2, 3, and 7 – 10, which depend therefrom, are distinct from the device taught by Olton. Long, teaching a steel door jamb reinforcing plate, does not overcome these deficiencies. Applicant therefore respectfully submits that Claims 1 – 3 and 7 – 10 are in condition for allowance.

Responsive to the Examiner’s rejection of Claims 1 – 3, 5 – 7, 9, and 12 under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,217,919 (Olton) in view of U.S. 6,691,466 (Childress), Applicant has amended Claim 1. To establish *prima facie*

obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1 is distinct from the device taught by Olton for the reasons stated above. Childress, teaching a reinforcement member that is embedded in the edge of the door, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 1 and Claims 2, 3, 5 – 7, 9, and 12, which depend therefrom, are in condition for allowance.

Responsive to the Examiner's rejection of Claim 4 under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,217,919 (Olton) in view of U.S. 5,566,509 (Long), and further in view of U.S. 306,806 (Barnes), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1, from which Claim 4 depends, is distinct from the device taught by Olton for the reasons stated above. Long, teaching a steel door jamb reinforcing plate, does not overcome these deficiencies. Further, Barnes, teaching a metallic plate secured to the edge of a door and having flanges, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 4 is in condition for allowance.

Responsive to the Examiner's rejection of Claim 11 under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,217,919 (Olton) in view of U.S. 5,566,509 (Long), and further in view of U.S. 4,752,517 (Beitel), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1, from which Claim 11 depends, is distinct from the device taught by Olton for the reasons stated above. Long, teaching a steel door jamb reinforcing plate, does not overcome these deficiencies. Further, Beitel, teaching end caps that support plastic door panels, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 11 is in condition for allowance.

Responsive to the Examiner's rejection of Claim 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,217,919 (Olton) in view of U.S. 6,691,466 (Childress), and further in view of U.S. 5,475,044 (Stein), Applicant has amended Claim 1. To

establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1, from which Claim 13 depends, is distinct from the device taught by Olton for the reasons stated above. Childress, teaching a reinforcement member that is embedded in the edge of the door, does not overcome these deficiencies. Further, Stein, teaching a silicone adhesive, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 13 is in condition for allowance.

Responsive to the Examiner's rejection of Claims 1 – 3, 7 – 9, and 14 under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,217,919 (Olton) in view of U.S. 5,070,650 (Anderson), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1 is distinct from the device taught by Olton for the reasons stated above. Anderson, teaching a door jamb reinforcing plate, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 1 and Claims 2, 3, 7 – 9, and 14, which depend therefrom, are in condition for allowance.

Responsive to the Examiner's rejection of Claims 1 – 3, 7, and 15 under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,217,919 (Olton) in view of U.S. 5,737,878 (Raulerson, et al.), Applicant has amended Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 1 is distinct from the device taught by Olton for the reasons stated above. Raulerson, et al., teaching a door frame guard device, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 1 and Claims 2, 3, 7, and 15, which are dependent therefrom, are in condition for allowance.

Responsive to the Examiner's rejection of Claims 21 and 23 under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,217,919 (Olton) in view of U.S. 6,691,466 (Childress), Applicant has amended Claim 18. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 18, from which Claims 21 and 23 depend, is distinct from the device taught by Olton for the reasons stated above in the section under the heading, "Claim Rejections - 35 USC §102." Childress, teaching a reinforcement member that is embedded in the edge of the door, does not overcome these deficiencies. Applicant therefore respectfully submits that Claims 21 and 23 are in condition for allowance.

Responsive to the Examiner's rejection of Claim 22 under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,217,919 (Olton) in view of U.S. 4,752,517 (Beitel), Applicant has amended Claim 18. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The amended Claim 18, from which Claim 22 depends, is distinct from the device taught by Olton for the reasons stated above in the section under the heading, "Claim Rejections - 35 USC §102." Beitel, teaching end caps that support plastic door panels, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 22 is in condition for allowance.

New Claims

New Claim 29 is added to further claim Applicant's invention. Claim 29 is supported by the original Claim 1. Further, Fig. 2 supports the limitation of the solid door with planar surfaces. The U-shape of the door reinforcing plate is supported in the first sentence of paragraph [0022]: "[t]he door reinforcing plate 12 is angled and crimped into a U-shape...." The interior and exterior portions of the door reinforcing plate are also supported by the first sentence of paragraph [0022]: "[t]he door reinforcing plate 12...includes an edge portion 24, an interior portion 26, an exterior portion 28...." The originally filed application supports the limitation that the planar surfaces are not recessed or contoured at the outer surface portion and the inner surface portion covered by the door reinforcing plate in Fig. 2b as well as the first sentence of paragraph [0010]: "...a door reinforcing plate that is angled and crimped into a U-shape and over bend mounted to the edge of the door." Further, paragraph [0030] of the present application discloses that the door reinforcing plate may be used in conjunction with an "existing

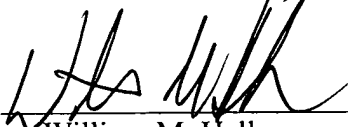
door,” which is “made of substantially any material.” This includes metal as disclosed in the sixth sentence of paragraph [0022].

Applicant acknowledges the Examiner’s response to arguments and appreciates the opportunity to call the Examiner but believes that this amendment to the claims and the forgoing remarks fully address the issues raised by the Examiner. On the other hand, the Examiner is invited to call the undersigned practitioner if he has any matters to address that will facilitate allowance of the application.

Applicant respectfully requests favorable consideration and that a timely Notice of Allowance be issued in this case.

In the event that Applicant has overlooked the need for an extension of time, additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefore and authorizes that any changes be made to Deposit Account No.: 50-3010.

Respectfully submitted,
HISCOCK & BARCLAY, LLP

By: 
William M. Hall
Reg. No. 52,985
2000 HSBC Plaza
Rochester, NY 14604
Tel: (585) 295-4481
Fax: (585) 295-8449